

**United States Government
National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL**

Advice Memorandum

DATE: May 15, 2008

TO : Joseph P. Norelli, Regional Director
Region 20

FROM : Barry J. Kearney, Associate General Counsel
Division of Advice

SUBJECT: United States Postal Service
Case 20-CA-33765

This case was submitted for advice on whether the Employer violated Section 8(a)(1) and (5) by directing its supervisor and manager to refuse to meet with the union steward and/or to settle grievances orally at step 1 and 2 of the grievance procedure. We conclude that the Employer did not violate the Act.

The Charging Party is the union steward for a unit of 77 maintenance Postal Service employees in Petaluma, California. Since September 2007, the Charging Party has filed and attempted to discuss over 200 grievances with his supervisor at step 1 of the grievance procedure. The Charging Party filed another 135 grievances since September 2007, based on the maintenance operations manager's alleged failure to meet and discuss grievances at step 2. During the six-month-period encompassed by the charge, the Charging Party has filed more than 400 grievances on behalf of himself and/or the 77 maintenance employees.

The Charging Party alleges that the Employer must have directed the manager and supervisor not to meet with him and not to settle grievances based on the large number of outstanding grievances on which the Employer's management officials have failed to meet and based on the fact that so few grievances have been resolved.

The maintenance operations manager testified that he met with the Charging Party approximately 8 to 12 hours per month to process Step 2 grievances. The Charging Party's supervisor spent approximately two hours per week with the Charging Party on Step 1 grievances. Other management officials testified that they spent significant time processing the Charging Party's grievances. The Charging Party spent over half his time in 2007 on paid steward time and, since March 2008, has spent 40 hours per week on paid steward time.

We conclude that the charge should be dismissed. The Charging Party has no direct evidence that management officials have been directed not to meet with him or to process his grievances. Indeed, the Employer submitted ample evidence to the contrary, showing that the supervisor and manager, as well as several other Postal Service managers, spent significant time processing the Charging Party's tremendous number of grievances while still running the Postal Service so that mail could be delivered.¹

Accordingly, in the absence of any evidence supporting the Charging Party's claim that management has been instructed not to process his grievances, and ample evidence to the contrary, the charge should be dismissed, absent withdrawal.

B.J.K.

¹ See USPS, 350 NLRB No. 43, slip op. at 13 (2007) (noting that steward's solicitation of unit members to file individual grievances would have had "foreseeable and potentially significant impact on the mail delivery").